

Prior to training

Set up binders

Make sure all binders are complete with materials:

- 19 Texas Administrative Code (TAC) Chapter 89
- Flowchart

Set up training room:

- Post headers for each section of 19 TAC Chapter 89 around the room. Put a piece of chart paper under each one.
- Post content and language objectives and group meeting norms.
- Post large copies of flowchart that will be used as the framework for the training.
- Optional: Have blank flowcharts for participants to complete during the training.

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Texas Education Agency

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Special Populations Division
Texas Education Agency

Content Objectives

- Identify critical points of 19 Texas Administrative Code (TAC) Chapter 89, Subchapter BB
- Summarize a single section of 19 TAC Chapter 89, Subchapter BB
- Create a representation of the understanding of a section of 19 TAC Chapter 89, Subchapter BB
- Present the representation to the entire group

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Subchapter BB is specific to ELLs.

Explain to participants that any of the following slides where Chapter 89 is mentioned is in reference to Subchapter BB.

Language Objectives

- Engage in discussion about 19 TAC Chapter 89 using key vocabulary related to the LPAC framework
- Read one section of 19 TAC Chapter 89 to identify critical information to share with the entire group
- Collaborate with a group to create a visual representation of their section of 19 TAC Chapter 89

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Subchapter BB is specific to ELLs.

Explain to participants that any of the following slides where Chapter 89 is mentioned is in reference to Subchapter BB.

Sections of the LPAC Framework

- Introduction/Chronology of Federal and State Laws
- 19 TAC Chapter 89/ Texas Education Code (TEC) Chapter 29
- LPAC Training
- Forms and Resources

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Acquaint the participants with the binder by pointing out the headings and tabs.

Introduction

19 Texas Administrative Code (TAC) Chapter 89 Adaptations for Special Populations, Subchapter BB
The Commissioner's Rules concerning the state plan for educating English language learners (ELLs) state that all school districts that are required to provide bilingual education and/or English as a Second Language (ESL) programs establish and operate an Language Proficiency Assessment Committee (LPAC).

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Allow participants time to read the slide.

Emphasize that districts shall establish and operate LPACs to follow policy and procedures as established by 19 TAC Chapter 89.

Tell participants to review 19 TAC Chapter 89 and highlight each section of the law.

19 TAC §89.1203

The terms English language learner (ELL) and limited English proficient (LEP) student are used interchangeably.

Statutory Authority

The provisions of this Subchapter BB issued under the Texas Education Code, §29.051, §29.053, §29.054, §29.056, §29.0561, §29.060, and §29.066, unless otherwise noted.

Purpose of the LPAC Framework

- The Framework for the LPAC process includes **clarification of the legal requirements** for the LPAC and provides documents and forms to facilitate the training of LPAC members.
- The forms included in the LPAC Framework are samples for districts to use for the implementation of a bilingual/ESL program.

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Sample forms, found in the “Suggested Forms” section of the manual, may be adapted or enhanced to meet each district’s/charter school’s individual needs for proper documentation.

Purpose of the LPAC Framework

The LPAC Framework integrates State and Title III of Public Law 107-110 (*Elementary and Secondary Education Act*) requirements regarding the:

- identification and placement;
- parental approval;
- annual review; and
- assessment of ELLs as they attain language and academic proficiency.

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The sample forms address both state and Title III requirements for ELLs.

Purpose of the LPAC Framework

The Framework delineates the steps that must be followed in the:

- **Identification** – Assessing students whose Home Language Survey have a language other than English and who are determined to have limited English proficiency
- **Processing** – LPAC meets to review assessment information in order to make placement decisions

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The intent of the LPAC Framework is to establish guidelines that describe the steps necessary in the implementation of a consistent and standardized LPAC process across school districts and the state.

Purpose of the LPAC Framework

- **Placement** – Determining the appropriate program for students identified as an English language learner (ELL)
- **Monitoring** – Reviewing progress and performance of ELLs in their intensive language instruction program as well as the determination for exit and follow-up of students as they transition into an all-English program

LPAC Framework Website

The Framework for the LPAC Process Manual can be accessed through the Education Service Center, Region 20 LPAC portal located at:

www.esc20.net/lpac

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Explain where the LPAC materials are located and share link with participants. The LPAC Framework manual is a project that is created in collaboration between TEA and Education Service Center, Region 20.

To review the LPAC materials, go to the ESC-20 LPAC Framework web portal and show participants exactly how to access the materials www.esc20.net/lpac.

LPAC Framework Website

The LPAC website components:

- Home
- LPAC Framework
- Parent Resources
- Video Vignettes 
- Frequently Used Resources
- Decision-Making Manual

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Explain the LPAC materials, their location, and share link with participants. The LPAC Framework manual is a project that is created in collaboration between TEA and Education Service Center, Region 20.

To review the LPAC materials, go to the ESC-20 LPAC Framework web portal www.esc20.net/lpac.

Click on each section and take note of tabs within each section.

Example: LPAC Framework – Documents, Flowcharts, & Presentations

19 TAC Chapter 89: Adaptations for Special Populations Subchapter BB

19 TAC	§89.1201	§89.1228
	§89.1203	§89.1230
	§89.1205	§89.1233
	§89.1207	§89.1235
	§89.1210	§89.1240
	§89.1215	§89.1245
	§89.1220	§89.1250
	§89.1225	§89.1265
	§89.1227	§89.1267
29 TEC	§29.0561	

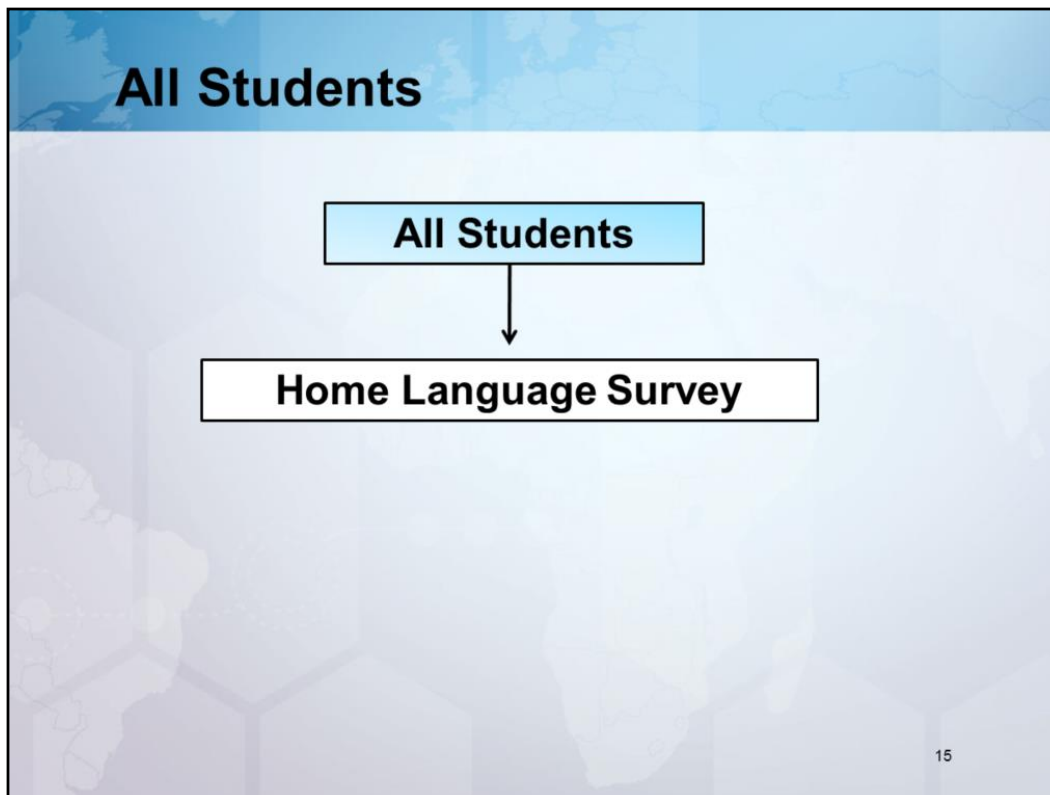
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Approximate time – 20 minutes.

1. Direct participants to wall posters.
2. Divide the training group into work groups (according to the break-out of groups and presentation). Each group should have 2-4 members.
3. Invite a representative from each work group to select one or more sections of 19 TAC Chapter 89 and 29 TEC §29.0561.
4. Work groups will read the selected section and determine key points.
5. Work groups will create a visual representation, list, or graphic organizer to display their key points.
6. Work groups will share their sections when addressed throughout the training.

For more information, the participants may want to refer to TEC §29.051 – §29.066.

Note: The Texas Administrative Code (TAC) interprets the Texas Education Code (TEC).



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1. Refer to ELL/LEP Flowchart Poster.
2. Highlight each component of the flowchart.
3. Give each participant a Post-it to follow along with the flowchart.
4. Optional: Give each participant a blank flowchart to complete throughout the training.

Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

- **English language learner** – a person who is in the process of acquiring English; *ELL and LEP will be used interchangeably.*
- **Dual language immersion** – an educational approach
- **School district** – definition of a school district includes an open-enrollment charter school.

19 TAC §89.1203

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Have participants that reviewed 19 TAC §89.1203 report to the group.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

1. **English language learner (ELL)** - A person who is in the process of acquiring English and has another language as the first native language. *The terms English language learner (ELL) and limited English proficient (LEP) student are used interchangeably.*
2. **Dual language immersion** - An educational approach in which students learn two languages in an instructional setting that integrates subject content presented in English and another language. Models vary depending on the amount of each language used for instruction at each grade level. The program must be based on instruction that adds to the student's first language. The implementation of a dual language immersion program model is optional.
3. **School district** - For the purposes of this subchapter, the definition of a school district includes an open-enrollment charter school.

Source: *The provisions of this §89.1203 adopted to be effective May 28, 2012, 37 TexReg 822.*

Source: *TEC §29.052 Definitions.*

Policy and Facilities

Each school district shall:

- Identify English language learners (ELLs)
- Provide bilingual and ESL programs as integral parts of the regular program
- Seek certified teaching personnel
- Assess achievement for essential knowledge and skills to ensure accountability for ELLs
- Locate programs in the regular public schools of the school district rather than in separate facilities

TEC 29.051 and 29.057

19 TAC §89.1201, §89.1235

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1. Start with “All Students” (This includes foreign exchange students) on the flowchart.
2. Have participants that reviewed 19 TAC §89.1201 and 19 TAC §89.1235 report to the group.
3. After the group’s presentation, the trainer should emphasize the key points from these sections of 19 TAC Chapter 89 that are shown on the slide.

Source: The provisions of this §89.1201 & §89.1235 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective May 28, 2012, 37 TexReg 3822.

Source: TEC §29.051 Policy and §29.057 Facilities.

Goal of Bilingual Education

The goal of bilingual education programs shall be to:

- Enable ELLs to become competent in the listening, speaking, reading and writing of English through the development of literacy and academic skills in the primary language and English
- Emphasize mastery of English language skills, as well as mathematics, science and social studies
- Use instructional approaches designed to meet the needs of ELLs
- Be an integral part of the total school program
- Utilize the essential knowledge and skills required by the state as the curriculum

TEC 29.053

19 TAC §89.1201

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Identify the goals of bilingual education.

Note to trainer: 19 TAC §89.1201 (d). The bilingual classroom has an ESL component embedded which is addressed through the English Language Proficiency Standards (ELPS) which are addressed in the notes section of the following slide.

The trainer should be familiar with the following 19 TAC §89.1201 (c) and (d): English Language Proficiency Standards (ELPS) TAC Chapter 74.4:

- The English language proficiency standards outline English language proficiency level descriptors and student expectations for English language learners (ELLs). School districts shall implement this section as an integral part of each subject in the required curriculum. The English language proficiency standards are to be published along with the TEKS for each subject in the required curriculum.
- In order for ELLs to be successful, they must acquire both social and academic language proficiency in English. Social language proficiency in English consists of the English needed for daily social interactions. Academic language proficiency consists of English needed to think critically, understand and learn new concepts, process complex academic material, and interact and communicate in English academic settings.
- Classroom instruction that effectively integrates second language acquisition with quality content area instruction ensures that ELLs acquire social and academic language proficiency in English, learn the knowledge and skills in the TEKS, and reach their full academic potential.

- Effective instruction in second language acquisition involves giving ELLs opportunities to listen, speak, read, and write at their current levels of English development while gradually increasing the linguistic complexity of the English they read and hear, and are expected to speak and write.
- The cross-curricular second language acquisition skills in subsection (c) of this section apply to ELLs in kindergarten-grade 12.
- The English language proficiency levels of beginning, intermediate, advanced, and advanced high are not grade-specific. ELLs may exhibit different proficiency levels within the language domains of listening, speaking, reading, and writing. The proficiency level descriptors outlined in subsection (d) of this section show the progression of second language acquisition from one proficiency level to the next and serve as a road map to help content area teachers instruct ELLs commensurate with students' linguistic needs.

Source: TEC §29.053 Establishment of Bilingual Education and Special Language Programs.

Goal of ESL Programs

The goal of ESL programs shall be to:

- Enable ELLs to become competent in the listening, speaking, reading, and writing of English
- Emphasize mastery of English language skills, as well as mathematics, science, and social studies
- Use instructional approaches designed to meet the needs of ELLs
- Be an integral part of the total school program
- Utilize the essential knowledge and skills required by the state as the curriculum

TEC 29.053

19 TAC §89.1201

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Note to trainer: The trainer should be familiar with the following 19 TAC §89.1201 (c) and (d): English Language Proficiency Standards (ELPS) TAC Chapter 74.4:

- The English language proficiency standards outline English language proficiency level descriptors and student expectations for English language learners (ELLs). School districts shall implement this section as an integral part of each subject in the required curriculum. The English language proficiency standards are to be published along with the TEKS for each subject in the required curriculum.
- In order for ELLs to be successful, they must acquire both social and academic language proficiency in English. Social language proficiency in English consists of the English needed for daily social interactions. Academic language proficiency consists of the English needed to think critically, understand and learn new concepts, process complex academic material, and interact and communicate in English academic settings.
- Classroom instruction that effectively integrates second language acquisition with quality content area instruction ensures that ELLs acquire social and academic language proficiency in English, learn the knowledge and skills in the TEKS, and reach their full academic potential.
- Effective instruction in second language acquisition involves giving ELLs opportunities to listen, speak, read, and write at their current levels of English development while gradually increasing the linguistic complexity of the English they read and hear, and are expected to speak and write.
- The cross-curricular second language acquisition skills in subsection (c) of this section apply to ELLs in kindergarten-grade 12.

- The English language proficiency levels of beginning, intermediate, advanced, and advanced high are not grade-specific. ELLs may exhibit different proficiency levels within the language domains of listening, speaking, reading, and writing. The proficiency level descriptors outlined in subsection (d) of this section show the progression of second language acquisition from one proficiency level to the next and serve as a road map to help content area teachers instruct ELLs commensurate with students' linguistic needs.

Source: TEC §29.053 Establishment of Bilingual Education and Special Language Programs.

Staffing and Staff Development

- School districts shall seek **certified teachers** to ensure ELLs are afforded full opportunity to master essential knowledge and skills and provide professional development.
- School districts which are unable to employ a **sufficient number** of teachers shall apply for an exception to the bilingual education program as provided in §89.1210 of this title or a waiver of the certification requirements in the English as a Second Language program as provided in §89.1210 of this title as needed.

19 TAC §89.1245, §89.1207

TEC 29.061

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Have participants that reviewed 19 TAC §89.1245 and 19 TAC §89.1207 report to the group.

Note to trainer: In the manual, §89.1205 is found behind the Responsibilities tab. Let the group know that you will discuss §89.1205 Required bilingual and ESL Language programs later in the presentation, slide 45.

Emphasize the key points on the slide.

- Districts must offer the required services provided by certified bilingual/ESL teachers or apply for an exception or waiver. If an exception or waiver is granted, the district is expected to address this need over the next school year, or at least, make progress in that area.
- If a district is required to offer a bilingual program for a language other than Spanish, teacher certifications for other languages, such as Vietnamese, Arabic, and Japanese are available.
- If a district is required to offer a bilingual program, the program must be implemented from PK-5 or Grade 6 if clustered with the elementary campus.
- If the district is not able to staff a required Spanish or any other language bilingual program, the district must submit an exception.
- Districts must have enough certified bilingual and ESL teachers to meet the needs of the

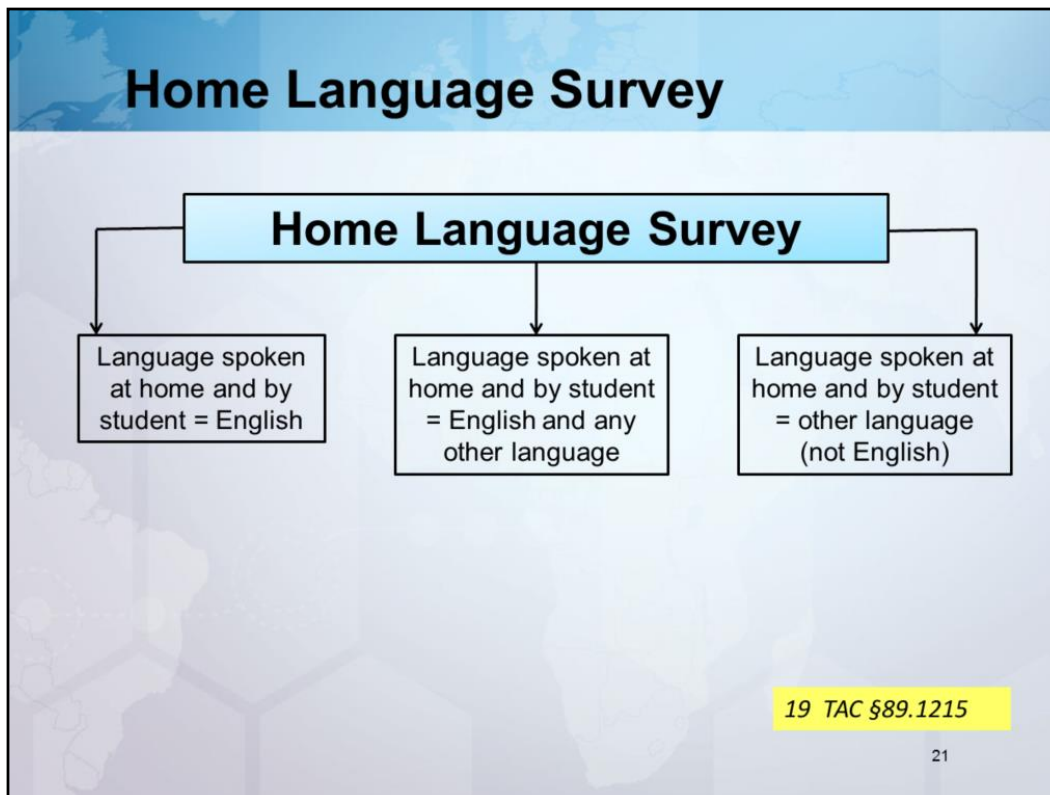
students being served in bilingual/ESL programs.

- **Districts that apply for a waiver must be aware certification requirements shall be valid only during the school year for which it was granted. For each teacher under a waiver, the estimated date for completion of the ESL supplemental certification must be completed by the end of the school year for which the waiver was requested.**

Source: The provisions of this §89.1207 adopted to be effective September 17, 2007, 32 TexReg 6311; amended to be effective May 28, 2012, 37 TexReg 3822

Source: The provisions of this §89.1245 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective March 5, 1999, 24 TexReg 1383; amended to be effective April 18, 2002, 27 TexReg 3107; amended to be effective May 28, 2012, 37 TexReg 3822

Source: TEC §29.061 Bilingual Education and Special Language Program Teachers



Have the group that reviewed 19 TAC §89.1215 report to the group.

Source: The provisions of this §89.1215 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective May 28, 2012, 37 TexReg 3822.

Identification

- Home Language Survey (HLS)
- If the HLS indicates a language other than English, testing **must** be initiated to determine English proficiency.*
- *The HLS shall contain two questions. §89.1215*
 - (1) What language is spoken in your home most of the time?
 - (2) What language does your child speak most of the time?

**Parent permission for language proficiency testing is not required.*



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Note to Trainer: Suggest LPAC Vignettes www.esc20.net/lpac – LPAC Beginning-of-Year (BOY): Identifying English Language Learners (ELLs)

Refer to HLS on the flowchart.

Trainer keep in mind:

- Parent permission for language proficiency testing is not required.
- *§89.1215 (b) The HLS shall contain two questions. (1) "What language is spoken in your home most of the time?" (2) "What language does your child speak most of the time?"*
- *§89.1215 (c) Additional information may be collected by the school district and recorded on the home language survey.*
- *Additional questions are to be added on a separate page. The two required questions are used to establish the student's language classification for determining if the student shall be tested.*
- The original HLS should be retained with the student's record. However, if a student transfers to another school, the original HLS should be sent to the new school. The receiving school should make multiple efforts to obtain the HLS from the prior district. A faxed or scanned copy is permissible if there is difficulty in obtaining the original HLS.

Identification of Transferring Students

If the student transfers from a school in Texas:

- Review the withdrawal form, if available, to see if he/she was being served in a program or identified as an ELL in PEIMS.
- Try to get as much original documentation as possible, especially the HLS (document your attempts).
- Once a student is identified as an ELL in Texas, the district **does not** have to proceed with a new identification process.
- The LPAC identifies and places the student within the first **20 school days** of enrollment. Be sure that all of the necessary signed documents are in the student's LPAC folder.



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Note to Trainer: Suggest LPAC Vignettes www.esc20.net/lpac – LPAC Beginning-of-Year (BOY): Transferring English Language Learners (ELLs)

If you have not received documentation from the sending district after enrollment, document your attempts to contact the sending district to forward records or provide information via phone. Continuous attempts to obtain the original HLS should be made. If your attempts to contact the district are unsuccessful, begin the identification process.

Suggestions to obtain the HLS and check TREX database or other databases for TELPAS history to identify district(s) to contact and PEIMS for number of years in US schools.

Once a student is identified as an ELL in Texas, the school district discusses the continuation of services (bilingual or ESL) with parent or guardian.

Under Suggested forms, the ELL Transfer documentation form can assist districts in documenting attempts.

Identification of Transferring Students

If the student transfers from a school outside of Texas:

- Review any documentation brought in by the student.
- Proceed with Texas law, including HLS, for identification as outlined for Texas students new to the district.
- Review information found in the database on students who have previously attended Texas schools (refer to previous slide).



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Emphasize key points on the slide.

Note to Trainer: Suggest LPAC Vignettes www.esc20.net/lpac – LPAC Beginning-of-Year (BOY): Identifying English Language Learners (ELLs)

Remember, this process is the same as identifying a new student from another country or another state within the United States.

Once a student is identified as an ELL in Texas, the role of the LPAC is to discuss the continuation of services (bilingual or ESL) with the parent or guardian.

Timeline

The campus/charter school has **20 school days** to complete the testing and convene as an LPAC to determine the ELL status of each student.

TEC 20.056(a)

19 TAC §89.1220(e)

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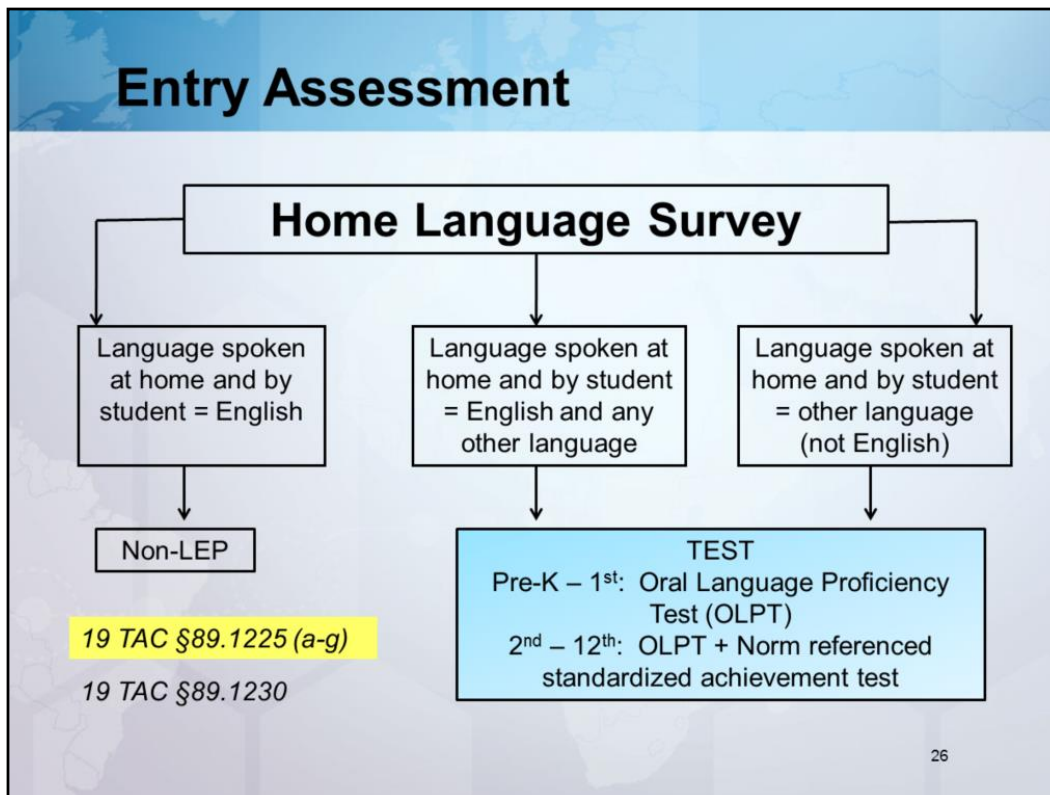
The identification and placement process must occur within the student's first 20 school days of school enrollment. This means that the student must be tested, and the LPAC must convene to review the student's documentation and determine if the student is eligible. If student is eligible, the LPAC must make their recommendations for program placement and parental approval must be obtained.

The state law (20 school days) is more stringent than federal law (30 days), so by following state law, the district will be in compliance with federal regulations regarding identification.

Later in the training the following LPAC middle-of-the-year and end-of-the-year meetings will be addressed:

- In the spring, prior to the administration of state assessments [state assessment, TELPAS, state assessment with linguistic accommodations (only if needed)]
- At the end of the year, for an annual review and to determine placement for the following year. The committee will recommend instructional linguistic accommodations for implementation at the beginning of the school year, so they can be used in instruction throughout the year.

Refer to TEC §29.056(a)



The group that reviewed 19 TAC §89.1225(a-g) presents here about entry assessment.

Also note that if a student has disabilities, 19 TAC §89.1230 has to be considered (ARD connection).

Source: The provisions of this §89.1225 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective April 18, 2002, 27 TexReg 3107; amended to be effective September 17, 2007, 32 TexReg 6311; amended to be effective May 28, 2012, 37 TexReg 3822.

Testing and Classification of Students

Grades PK-1:

- TEA-approved **oral language proficiency test (OLPT)** (*listening and speaking*) in English (and OLPT in primary language for bilingual programs)

Grades 2-12:

- TEA-approved **oral language proficiency test (OLPT)** (*listening and speaking*) in English (and OLPT in primary language for bilingual programs), **AND**
- Reading and language arts sections of an English **norm-referenced standardized achievement test** approved by the state (**Through the attempted assessment administration the student's English ability is so limited that the test would not be valid**)

<http://tea.texas.gov/bilingual/esl/education/>

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19 TAC §89.1225

Emphasize the key points on the slide.

If the student's ability in English is so limited that the administration at his/her grade level of the reading and language arts section of a TEA-approved norm-referenced instrument or other test approved by TEA is not valid, document this information on the assessment and in the LPAC minutes. 19 TAC §89.1225 (f) (2c)

For example: When asking the student to provide their name, the student is unable to understand the question. Therefore, do not proceed with the full test administration. Maintain documentation of the attempted exam documenting the name of test administrator, date, and question(s) asked.

Note to the trainer: Notwithstanding §101.101 of this title (relating to Group-Administered Tests), all tests used for the purpose of identification, exit, and placement of students and approved by the TEA must be re-normed at least every eight years. 19 TAC §89.1225 (l)

A school district must determine the assessments, from the list of approved test, to be used for identification, exit, and placement of students and are to be utilized district-wide accordingly.

Testing Administrator

The person administering the oral language proficiency test (***listening and speaking***) must have documentation of training in the administration and scoring of the test **and** must be proficient in the language of the test.

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19 TAC §89.1225 (c)

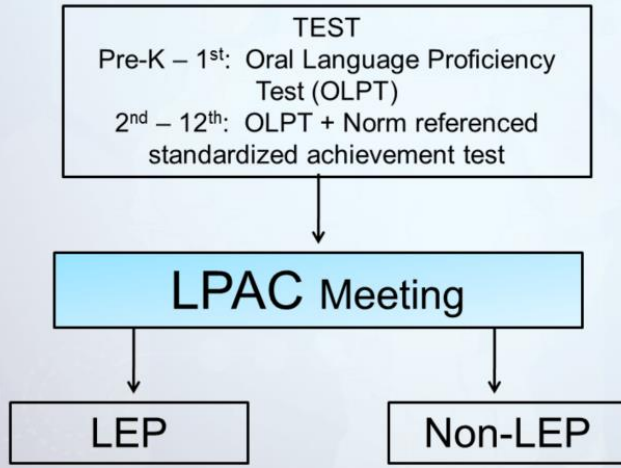
ELL Determinations

The LPAC, not the test administrator, must meet and review ***all assessment*** results to determine ELL status.

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1. Have participants refer to “ELL/LEP” on the flowchart.
2. Review OLPT and the Reading/Language Arts sections of a norm-referenced achievement test (grades 2-12), if applicable.

LPAC Meeting (Membership)



Language Proficiency Assessment Committee

- The school district shall have **written local board policy** on file to establish and operate a LPAC.
- Local board policy shall include procedures for the selection, appointment, and training of the committee members.
- It may be necessary to train more than one parent to be able to cover the number of LPACs for a year, especially early in the year and at the end of the year.
- School districts may join with other school districts to share LPAC parents.

19 TAC §89.1220

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Have participants that reviewed 19 TAC §89.1220 report to the group.

Emphasize key points on the slide:

- The written board policy shall be ON FILE in the district.
- A school district may have more than one LPAC for a campus, if needed.
- Some school districts may choose to have more than one training opportunity for the parent representatives.

Source: The provisions of this §89.1220 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective March 5, 1999, 24 TexReg 1383; amended to be effective April 18, 2002, 27 TexReg 3107; amended to be effective September 17, 2007, 32 TexReg 6311; amended to be effective May 28, 2012, 37 TexReg 3822.

Composition of the LPAC

- Each school district required to offer bilingual education and special language programs (ESL) shall establish an LPAC.
- The LPAC is composed of a:
 - campus administrator*
 - professional bilingual educator*
 - ESL teacher/professional transitional language educator*
 - parent of a current ELL participating in the required bilingual or special language program (ESL)
 - this parent may not be an employee of the school district*

**All members must be present!*



19 TAC §89.1220
TEC §29.063

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Note to the trainer: LPAC Composition can be referenced in TEC Section §29.063 Language Proficiency Assessment Committee Suggest LPAC Vignettes www.esc20.net/lpac

Definitions:

Campus administrator -A principal, assistant principal or vice principal. The campus administrator required as part of the LPAC must be personnel coded Function 23 (principals, assistant principal and related staff) under School Leadership as defined by the Financial Accountability System Resource Guide. Principals, assistant principals and related staff are personnel that:

- Supervise all operations of the campus
- Evaluate staff members of the campus
- Assign duties to staff members maintaining the records of the students on the campus

Professional transitional language/ESL educator – An ESL certified teacher or a general education teacher trained in sheltered instruction.

LPAC Parent – Must be a parent of a student participating in a program. No parents who have denied student services (parent denials) may participate as an LPAC parent.

Emphasize that **all members** must be present and trained. Certificates and oaths should be maintained.

Membership Guidelines

- All LPAC members shall be trained annually.
- If one of the members does not understand English (parent), the training should be developed in the member's primary language.
- At the LPAC meeting, an interpreter should be available if the parent representative is not proficient in English.
- The parent representative volunteers his/her participation in the LPAC.
- The student's parents are not required to attend the LPAC meeting.

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19 TAC §89.1220 (f)

Members that have been formerly trained need to receive updated information annually to stay current. Although parents are not required to attend LPAC meetings that involve their student, they are always welcome.

The LPAC Framework PPT is available in Spanish for LEAs needing to provide training for Spanish speaking parents. Please visit the ESC-20 website at www.esc20.net/LPAC. Go to the A-Z Directory, "L" for LPAC, and the PPT can be found in the Parent Resources Section, click on presentations.

Membership Guidelines

- The trained LPAC parent serves as the representative parent for all ELLs. Anyone that is a designated LPAC member at these meetings must be trained in order to follow the process accordingly.
- Each trained member shall also sign an oath of confidentiality (sample included in the manual) because of testing and other information that is shared and analyzed for all students must be considered with respect to each student and his/her family's right to confidentiality.

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19 TAC §89.1220 (f)

Oaths and training documentation, i.e., sign-in sheets with dates, certificates, etc., need to be kept on file.

LPAC Guidelines

- All required members are given prior notification of the meeting.
- All required members meet and a chair is selected for the meeting.
- Members review and discuss **all** student data and information.
- Members arrive at appropriate decisions.
- Members sign and date all documentation/LPAC forms.
- Districts must have an ELL folder which must be in a secure location.
- Maintain records for five years after exiting/reclassification and two years of monitoring.

35

19 TAC §89.1220 (f & l)

All documentation referenced about the student must be kept in the student's record.

Districts must have an ELL folder which must be found within the student's record. ELL folder must be secured at all times.

Some sample LPAC Committee forms that are available (can be found on the ESC-20 LPAC Framework web portal at www.esc20.net/LPAC):

- LPAC Member Roster
- LPAC Confidentiality Statement
- LPAC Meeting Roster Form
- LPAC Minutes

Maintain records for five years after exiting/reclassification and two years of monitoring. For more information, see the link to the retention schedule as per the Texas State Library and Archives Commission Section 3-2: Bilingual and Special Language Program Records <https://www.tsl.state.tx.us/slr/recordspubs/sd.html#section3-2>

LPAC Guidelines

- Decisions are included in the LPAC minutes which are kept in a **secure** central location.
- The committee meeting is adjourned.
- Documentation for each student is filed in the student's record.

(Sample forms for LPAC meetings are included in the manual.)

36

19 TAC §89.1220 (f & l)

All documentation referenced about the student must be kept in the student's records.

Districts must have an ELL folder which may be found within the student's record. ELL folder must be secured at all times.

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<https://www.tsl.state.tx.us/slr/recordspubs/sd.html#section3-2>

Required Documentation

The student's record shall contain:

- Documentation of all actions impacting the ELL
- Identification of the student
- Designation of the student's level of proficiency
- Recommendations of program placement
- Parent approval for entry or placement
- The dates of entry into, and placement within, the program

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Have participants refer to 19 TAC §89.1220 (l).

All original documentation must be kept in the student's records.

Districts must have an ELL folder which may be found within the student's record. The ELL folder must be secured at all times.

Some sample LPAC student forms that are available (can be found on the ESC-20 LPAC Framework web portal):

- Home Language Survey (HLS)
- Bilingual or ESL Program Benefits
- ELL Student Checklist
- LPAC Initial Review
- Parental Approval
- LPAC State Assessment
- LPAC Review
- Parental Progress
- Parental Notification of Exit
- Summer School
- Student History
- ELL Instructional Accommodation Checklist

Maintain records for five years after exiting/reclassification and two years of monitoring. For more information, see the link to the retention schedule as per the Texas State Library and Archives Commission Section 3-2: Bilingual and Special Language Program Records

<https://www.tsl.state.tx.us/slr/recordspubs/sd.html#section3-2>

Required Documentation

The student's record shall contain:

- Assessment
- Additional interventions
- The date of exit from program and parent approval
- Results of monitoring

38

Have participants refer to 19 TAC §89.1220 (l).

All original documentation must be kept in the student's records.

Districts must have an ELL folder which may be found within the student's record. ELL folder must be secured at all times.

Some sample LPAC student forms that are available (can be found on the ESC-20 LPAC Framework web portal):

- Home Language Survey (HLS)
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- Parental Approval
- LPAC State Assessment
- LPAC Review
- Parental Progress
- Parental Notification of Exit
- Summer School
- Student History
- ELL Instructional Accommodation Checklist

Maintain records for five years after exiting/reclassification and two years of monitoring. For more information, see the link to the retention schedule as per the Texas State Library and Archives Commission Section 3-2: Bilingual and Special Language Program Records

<https://www.tsl.state.tx.us/slr/recordspubs/sd.html#section3-2>

Required LPAC Meetings

- Upon *initial enrollment* - within the student's first 20 school days
- In the *spring* to determine appropriate assessments, immediately prior to state assessments
- At the *end of the year* for annual review and for the following year's placement decisions, which may include the use of linguistic accommodations, as appropriate
- *As needed* to discuss student progress

39

19 TAC §89.1220

At the beginning of the year (BOY), instructional linguistic accommodations need to be addressed and implemented.

At the middle of the year meeting (MOY) in the spring, prior to state assessments, refer to the LPAC Decision-Making Manual from the Student Assessment Division at TEA. Refer to the Accommodations Manual for the linguistic accommodations found at <http://tea.texas.gov/student.assessment/accommodations/>. These linguistic accommodations need to be implemented during classroom instruction throughout the year prior to being used in the assessments.

At the end of the year (EOY), the LPAC meets for an annual review to discuss instructional linguistic accommodations and to determine placement for the following year.

The LPAC must also convene on students who are being monitored, are parent denials and who are failing.

Source: TEC §29.056 Enrollment of Students in Program

LPAC Responsibilities

- Identification of ELLs
- Assessment and documentation review
- Placement
- Instructional methodologies and/or interventions
- Instructional linguistic accommodations or accommodations for assessment
- Coordination
- Parental Approval
- Annual Review (linguistic and academic progress)

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It should be noted here that the LPAC also serves as an important advocate for each ELL with teachers, staff, and administration.

You may want to refer to the trainer notes on slide 18 to further emphasize the need to address the 4th and 5th bullets on this slide. It is important to mention that this is where the ELPS would be implemented in instruction and instructional acceleration plans should be considered. Below are the notes from slide 18.

English Language Proficiency Standards (ELPS) TAC Chapter §74.4:

- The English language proficiency standards outline English language proficiency level descriptors and student expectations for English language learners (ELLs). School districts shall implement this section as an integral part of each subject in the required curriculum. The English language proficiency standards are to be published along with the TEKS for each subject in the required curriculum.
- In order for ELLs to be successful, they must acquire both social and academic language proficiency in English. Social language proficiency in English consists of the English needed for daily social interactions. Academic language proficiency consists of the English needed to think critically, understand and learn new concepts, process complex academic material, and interact and communicate in English academic settings.
- Classroom instruction that effectively integrates second language acquisition with quality content area instruction ensures that ELLs acquire social and academic language proficiency in English, learn the knowledge and skills in the TEKS, and reach their full academic potential.

- Effective instruction in second language acquisition involves giving ELLs opportunities to listen, speak, read, and write at their current levels of English development while gradually increasing the linguistic complexity of the English they read and hear, and are expected to speak and write.
- The cross-curricular second language acquisition skills in subsection (c) of this section apply to ELLs in kindergarten-grade 12.
- The English language proficiency levels of beginning, intermediate, advanced, and advanced high are not grade-specific. ELLs may exhibit different proficiency levels within the language domains of listening, speaking, reading, and writing. The proficiency level descriptors outlined in subsection (d) of this section show the progression of second language acquisition from one proficiency level to the next and serve as a road map to help content area teachers instruct ELLs commensurate with students' linguistic needs.

Determining Eligibility at PreK-1st Grade

At PreK – 1st grade:

- In prekindergarten through grade 1, the student's score on the English oral language proficiency test is below the level designated for indicating limited English proficiency.
- **Student must be assessed in both English and the primary language if the district is required to provide a bilingual program.**

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Remember that the student must be assessed in both English and the primary language **if** the district is required to provide a bilingual program. The purpose of the primary language assessment is to provide information for instructional purposes and placement.

Determining Eligibility at Grades 2-12

At grades 2-12:

- The student's score on the TEA-approved English Oral Language Proficiency Test (OLPT) is below the level designated for indicating ELL
- For eligibility, the student's score on the English reading and/or English language arts sections of the TEA-approved norm-referenced standardized achievement instrument at his or her grade level is below the 40th percentile;
- The student's ability in English is so limited that the administration of the TEA norm-referenced assessment instrument is not valid.

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An attempt must be made to document that the student's ability in English is so limited that the administration of the TEA norm-referenced assessment instrument is not valid.

Eligibility for Students with Disabilities

Students with disabilities whose scores indicate limited English proficiency on the assessment determined by the **key members of the ARD** committee in conjunction with the **key members of the LPAC** are identified as ELL.

<http://tea.texas.gov/index2.aspx?id=2147496923>

19 TAC §89.1230

19 TAC §89.1225 (f) (4)



43

Have participants that reviewed 19 TAC §89.1230 report to the group.

19 TAC §89.1230 (b)

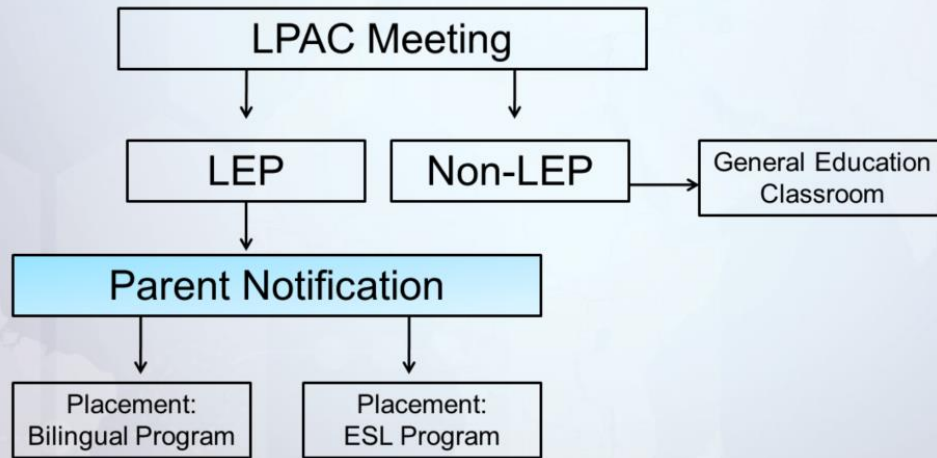
- Key members of the ARD and key members of the LPAC can determine that a student was identified as ELL and does not have any disability; therefore, the student should be served by the bilingual/ESL education program and **not referred to special education unless there is data that indicates a disability**.
- Key members of the ARD and key members of the LPAC can determine that a student has a disability identified by the special education program and is **also** English language learner (ELL). The student could be served by **both programs**, special education and bilingual/ESL education.
- **Key members of the ARD and key members of the LPAC, in very rare cases, may determine that the student should only be served by special education and would not benefit from language services.**

We will discuss this population in more depth when we discuss testing accommodations and reclassification/exit. There is a process that we will discuss later in the training.

Note to Trainer: Suggest LPAC Vignettes related to Students with disabilities www.esc20.net/lpac – LPAC Beginning-of-Year (BOY): Identification of English Language Learners (ELLs) Who Receive Special Education Services, LPAC Middle-of-Year (MOY): State Assessment Decisions Making and Progress Monitoring of Linguistic Accommodations, and LPAC End-of-Year (EOY): Exiting English Language Learners (ELLs) Who Receive Special Education Services (Using the Process of Considering Special Exit Criteria)

Source: The provisions of this §89.1230 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective March 5, 1999, 24 TexReg 1383; amended to be effective May 28, 2012, 37 TexReg 3822.

Parent Notification/Program Placement



Bilingual Education Program

- The law requires that each school district or charter school which has an enrollment of 20 or more ELLs of the same language classification in the same grade level district-wide shall offer a bilingual education program for ELLs in grades Pre-K through 5.
- Grade 6 shall be included when clustered with elementary grades.

<http://tea.texas.gov/bilingual/esl/education/>

19 TAC §89.1205, §89.1210

45

Have participants that reviewed 19 TAC §89.1205, 89.1210 report to the group.

Districts must offer the required services. This slide ties in with the LPAC decision of placement. TEC §29.053. Establishment of Bilingual Education and Special Language Programs and TEC §29.066 PEIMS Reporting Requirements.

- If a district is required to offer a bilingual program for a language other than Spanish, teacher certifications for other languages, such as Vietnamese, Arabic, and Japanese are available.

19 TAC §89.1205 (a).

- If a district is required to offer a bilingual program, the program must be implemented from PK-5 or grade 6 if clustered with the elementary campus.
- If the district is not able to staff a required Spanish or any other language bilingual program, the district must submit an exception.

Source: The provisions of this §89.1205 & §89.1210 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective March 5, 1999, 24 TexReg 1383; amended to be effective April 18, 2002, 27 TexReg 3107; amended to be effective September 17, 2007, 32 TexReg 6311; amended to be effective May 28, 2012, 37 TexReg 3822.

Bilingual Education Program

- English language learners shall be provided instruction in language arts, mathematics, science, and social studies both in their home language and in English.
- Content area instruction in both languages shall be structured to ensure that the students master the required essential knowledge and skills and higher-order thinking skills in all subjects.
- Literacy development in the primary language facilitates the transfer from primary language (L1) to second language (L2).
- Oral language testing requirements in both the primary language and English **must be reviewed for placement**.
- ESL is a component of the bilingual program.

46

§89.1210

Trainer keep in mind:

- L1 is the primary language and L2 is the secondary language.
- When teaching in English, make sure to use the ELPS and ESL strategies.
- Under bilingual education there are four types of bilingual program models (Transitional Bilingual/Early Exit, Transitional Bilingual/Late Exit, Dual Language Immersion/Two-way and Dual Language Immersion/One-way) which will be described on the next slide.
- Bilingual Education is a program and the descriptions in PEIMS are models.
- We revisit the slides about program types here to remind us that the LPAC is considering placement from among the options offered by that district.

Bilingual Education Program

The bilingual education program shall be implemented with consideration for each ELL's unique readiness level through one of the following program models:

- Transitional Bilingual/Early Exit
- Transitional Bilingual/Late Exit
- Dual Language Immersion/Two-way
- Dual Language Immersion/One-way

19 TAC §89.1210 (c) (2) (3),

§89.1227, §89.1228

47

The Bilingual Education Program is composed of 4 program models. If the school district chooses to offer a Dual Language Immersion program model they must also refer to §89.1227, §89.1228.

§89.1210 (d) (1-4)

- *Transitional Bilingual/Early Exit* - is a bilingual program model that serves a student identified as limited English proficient in both English and Spanish, or another language, and transfers the student to English-only instruction. This model provides instruction in literacy and academic content areas through the medium of the student's first language, along with instruction in English oral and academic language development. Non-academic subjects such as art, music, and physical education may also be taught in English. Exiting of a student to an all-English program of instruction will occur no earlier than the end of grade 1 or, if the student enrolls in school during or after grade 1, no earlier than two years or later than five years after the student enrolls in school. A student who has met exit criteria in accordance with §89.1225(h), (j), and (k) of this title (relating to Testing and Classification of Students) may continue receiving services, but the school district will not receive the bilingual education allotment for that student.
- *Transitional Bilingual/Late Exit* - is a bilingual program model that serves a student identified as limited English proficient in both English and Spanish, or another language, and transfers the student to English-only instruction. Academic growth is accelerated through cognitively challenging academic work in the student's first language along with meaningful academic content taught through the student's second language, English. The goal is to promote high levels of academic achievement and full academic language proficiency in the student's first language and English. A student enrolled in a transitional bilingual/late exit program is eligible

to exit the program no earlier than six years or later than seven years after the student enrolls in school. A student who has met exit criteria in accordance with §89.1225(h), (j), and (k) of this title may continue receiving services, but the school district will not receive the bilingual education allotment for that student.

- *Dual Language Immersion/Two-way* - is a biliteracy program model that integrates students proficient in English and students identified as limited English proficient. This model provides instruction in both English and Spanish, or another language, and transfers a student identified as limited English proficient to English-only instruction. Instruction is provided to both native English speakers and native speakers of another language in an instructional setting where language learning is integrated with content instruction. Academic subjects are taught to all students through both English and the other language. Program exit will occur no earlier than six years or later than seven years after the student enrolls in school. A student who has met exit criteria in accordance with §89.1225(h), (j), and (k) of this title may continue receiving services, but the school district will not receive the bilingual education allotment for that student. The primary goals of a dual language immersion program model are:
 - (A) the development of fluency and literacy in English and another language for all students, with special attention given to English language learners participating in the program;
 - (B) the integration of English speakers and English language learners for academic instruction, in accordance with the program design and model selected by the school district board of trustees. Whenever possible, 50% of the students in a program should be dominant English speakers and 50% of the students should be native speakers of the other language at the beginning of the program; and
 - (C) the promotion of bilingualism, biliteracy, cross-cultural awareness, and high academic achievement.

- *Dual Language Immersion/One-way* - is a biliteracy program model that serves only students identified as limited English proficient. This model provides instruction in both English and Spanish, or another language, and transfers a student to English-only instruction. Instruction is provided to English language learners in an instructional setting where language learning is integrated with content instruction. Academic subjects are taught to all students through both English and the other language. Program exit will occur no earlier than six years or later than seven years after the student enrolls in school. A student who has met exit criteria in accordance with §89.1225(h), (j), and (k) of this title may continue receiving services, but the school district will not receive the bilingual education allotment for that student. The primary goals of a dual language immersion program model are:
 - (A) the development of fluency and literacy in English and another language for all students, with special attention given to English language learners participating in the program;
 - (B) the integration of English speakers and English language learners for academic instruction, in accordance with the program design and model selected by the school district board of trustees; and
 - (C) the promotion of bilingualism, biliteracy, cross-cultural awareness, and high academic achievement.

For more information on dual language program models review §89.1210, §89.1227, §89.1228, §89.1267, and §89.1269.

C175 (Used in the following records)

110 Student Enrollment

E1042 Bilingual Program type code

Code Table ID C175

- 0** Child does not participate in program
- 2** Transitional bilingual/early exit
- 3** Transitional bilingual/late exit
- 4** Dual language immersion/two-way
- 5** Dual language immersion/one-way

ESL Program

The law requires that all ELLs for whom a district is not required to offer a bilingual education program shall be provided an ESL program, regardless of the students' grade levels, and home language, and regardless of the number of students.

19 TAC §89.1205 (d), §89.1210

48

This slide is presented as part of the LPAC placement decision process.

§89.1205 (d). The district must provide an ESL program even if only one student is ELL.

ESL Program

- Uses second language methods throughout the curriculum
- Provides instruction that includes TEKS based academic content, as well as, language development
- Differentiates instruction of content according to language proficiency levels
- Provides academic instruction that is on grade level

<http://tea.texas.gov/bilingual/esl/education/>

49

§89.1210 (e) (f)

Students that are in language programs receive the same curriculum (same rigor and HIGH EXPECTATIONS) as native English speakers; however, the teacher should provide linguistic accommodations, based on the student's level of proficiency, so the student can be successful. This information is found on TELPAS reports.

Use the ELPS to guide differentiated instruction. 19 TAC §74.4.

English as a Second Language (ESL) is a program and the descriptions in PEIMS are models of ESL education. There are two types of ESL program models (content-based and pull-out) which will be described on the next slide.

ESL Program

The English as a Second Language program shall be implemented with consideration for each ELL's unique readiness level through one of the following program models:

- Content-Based Program Model
- Pull-Out Program Model

50

§89.1210 (g)

The district must provide an ESL program even if only one student is ELL.

2 - An English as a second language/content-based program model is an English program that serves only students identified as English language learners by providing a full-time teacher certified under the Texas Education Code (TEC), §29.061(c), to provide supplementary instruction for all content area instruction. The program integrates English as a second language instruction with subject matter instruction that focuses not only on learning a second language, but using that language as a medium to learn mathematics, science, social studies, or other academic subjects. Exiting of a student to an all-English program of instruction without English as a second language support will occur no earlier than the end of grade 1 or, if the student enrolls in school during or after grade 1, no earlier than two years or later than five years after the student enrolls in school. At the high school level, the English language learner receives sheltered instruction in all content areas. A student who has met exit criteria in accordance with §89.1225(h), (j), and (k) of this title may continue receiving services, but the school district will not receive the bilingual education allotment for that student.

3 - An English as a second language/pull-out program model is an English program that serves only students identified as English language learners by providing a part-time teacher certified under the TEC, §29.061(c), to provide English language arts instruction exclusively, while the student remains in a mainstream instructional arrangement in the remaining content areas. Instruction may be provided by the English as a second language teacher in a pull-out or inclusionary delivery model. Exiting of a student to an all-English program of instruction without English as a second language support will occur no earlier than the end of grade 1 or, if the

student enrolls in school during or after grade 1, no earlier than two years or later than five years after the student enrolls in school. At the high school level, the English language learner receives sheltered instruction in all content areas. A student who has met exit criteria in accordance with §89.1225(h), (j), and (k) of this title may continue receiving services, but the school district will not receive the bilingual education allotment for that student.

C176 (Used in the following record(s))

110 Student Enrollment

Code Table ID C176

0 Student does not participate in ESL program

2 ESL/Content-based

3 ESL/Pull-out

Recommending Program Placement

Pending parent approval of an ELL's entry into the bilingual/ESL program, the district/charter school will place the student in the recommended program.

Bilingual allotment information is found in Texas Education Code (TEC)§42.153

19 TAC §89.1220 (j)

51

Note to trainer: In the manual, §89.1220(j) is found under the “Responsibilities” tab.

Recommending Program Placement

A school district may identify, exit or place a student in a program without written approval of the student's parent or guardian if:

- The student is 18 years of age or has had the disabilities of minority removed
- Reasonable attempts to inform and obtain permission from a parent or guardian have been made and documented
- Approval is obtained from:
 - An adult or foster parent or employee of the state
 - The student, if no parent, guardian, or other responsible adult is available, or
- A parent or guardian has not objected in writing

19 TAC §89.1220 (m)

52

Have participants refer to 19 TAC §89.1220 (m).

Note to the trainer: The following has been taken from the student attendance handbook.

Reasonable attempts should be made within 20 school days and the school district must maintain documentation supporting the number of attempts.

For students whom written approval is not obtained, students should be coded on PEIMS with a *7 – Parent or Guardian did not respond* or *8 – Parent or Guardian was not contacted*. Using 7 or 8 coding does not allow a student to generate TOTAL-ELIG-bilingual/ESL-ELIGDAYS-Present.

See PEIMS Standards for more information.

Additional Services

- The LPAC may also recommend other programs or services offered through the school district.
- The LPAC is also responsible for facilitating student participation in other special programs (Advanced Academics-Gifted and Talented, Special Education, Career and Technical Education, Dyslexia, etc.).

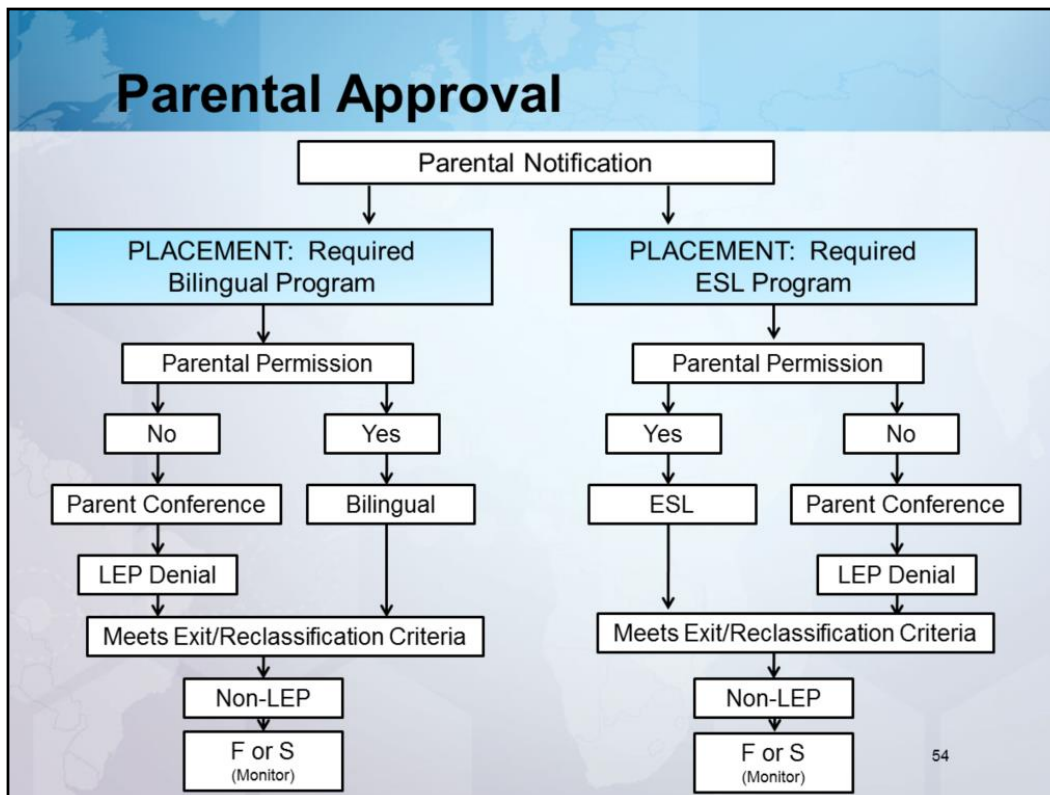
19 TAC §89.1220 (g) (4)

53

19 TAC §89.1220 (g) (4)

Trainer keep in mind:

- Additional support services may include Rtl, extended-day/year, content-specific tutorials, etc.
- Tutorials should be targeted to meet the specific needs of the student.
- The LPAC may also recommend other programs or services offered through the district, such as tutoring, supplemental services, etc...
- The LPAC is also responsible for facilitating student participation in other special programs – Advanced Academics (GT) or Special Education, CTE (Career and Technical Education).
- GT: Districts should have policies in place for identifying gifted ELL children. Teachers need to be trained to observe cues that indicate giftedness and follow up with referrals.
- Schools should have access to non-verbal intelligence tests and native language tests available for ELL children.
- Refer to 19 TAC Chapter 89, TEC Chapter 29, TEC Chapter 42 and TAC Title 19, Part II.
- Policies for identifying gifted ELLs should be on file.
- The LPAC must examine the possibilities of ELLs being identified as GT. Percentage of GT students at district and non- ELL should be identical or mirror the ELL.
- The LPAC must examine the possibilities of ELLs being identified as GT.



F or **S** has been added to the flowchart to represent first year or second year monitored students.

Parental Approval

- After the LPAC recommends placement of the ELLs, written parental approval must be obtained.
- Remember the parent approval form should be in both English and the native language of the parent.

19 TAC §89.1240

55

Participants that reviewed 19 TAC §89.1240 should report to the group.

The entry or placement of a student in the bilingual education of ESL program must be approved in writing by the parent. The parent's approval shall be considered valid until the student meets the exit criteria described in 19 TAC §89.1225(h).

It is important to offer an explanation to the parent of the student why the program recommendation is offered and what the parent can expect of instruction and other services. Documentation of all of this must be available.

Parent bilingual and ESL Program benefits brochures are available in English and Spanish at <http://www.elltx.org/> under the parent resource tab.

Source: The provisions of this §89.1240 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective April 18, 2002, 27 TexReg 3107; amended to be effective May 28, 2012, 37 TexReg 3822.

Parental Approval/Rights

- The parent **approval** letter includes information regarding the English proficiency level of the student and a description of the program as well as the benefits of the program.
- These benefits should be described on each parent **approval** letter and supplemented through brochures or other publications.
- A plan for when the student may graduate and be exited may be included according to Personal Graduation Plan (PGP) for ELLs at high school.
- School districts may enroll students who are non-ELL in the bilingual education program in accordance with TEC §29.058.

19 TAC §89.1233 19 TAC §89.1240 (a)

[Title III Part C Section 3302 (a)(c)(d)]

56

Have the group that reviewed 19 TAC Chapter §89.1233 report to the group.

The letter the district sends to obtain parent approval for placement in the program must contain the following

- level of English proficiency;
- description of the program; and
- benefits of the program.

Sec. §28.0212 Personal Graduation Plan (PGP)

(a) A principal shall designate a guidance counselor, teacher, or other appropriate individual to develop and administer a personal graduation plan for each student enrolled in a junior high, middle, or high school who

(1) does not perform satisfactorily on an assessment instrument administered under Subchapter B, Chapter §39; or

(2) is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level nine, as determined by the district.

(b) A personal graduation plan must

- (1) identify educational goals for the student;
- (2) include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;
- (3) include an intensive instruction program described by Section 28.0213;
- (4) address participation of the student's parent or guardian, including consideration of the parent's or guardian's educational expectations for the student; and
- (5) provide innovative methods to promote the student's advancement, including flexible scheduling, alternative learning environments, on-line instruction, and other interventions that are proven to accelerate the learning process and have been scientifically validated to improve learning and cognitive ability.

Required:

HB 5, Section 13 (TEC 28.0212) Junior High/Middle School

- PGPs must be developed for students who are identified as being at-risk of not completing a high school diploma before the fifth year after entering 9th grade and for students who did not pass a state assessment.
- PGPs must be transmitted electronically through TREx.

HB 5, Section 14 (TEC 28.02121) High School

- Universal PGPs must be developed for all high school students.
- PGPs must be transmitted electronically through TREx.
- The high school principal must designate a school counselor or the administrator to review PGP options with each student entering 9th grade together with parent.
- The PGP must be signed by student and parent before end of the school year.
- Students may amend their PGP but written notice of the amendment must be sent to the parents.
- Districts must publish the information in this document on their website and ensure it is available to students and parents in 9th grade and above in the language in which they are most proficient.
- District must provide translation to other languages only if at least 20 students in a grade level primarily speak a different language.

19 TAC Chapter §89.1233

Main point – participation of non-ELLs in the program is permissible, but district will receive no funding for the student.

Source: The provisions of this §89.1233 adopted to be effective March 5, 1999, 24 TexReg 1383 amended to be effective May 28, 2012, 37 TexReg 3822.

Parent Denials

- If a parent denies the placement decision, then the student is identified in PEIMS as an ELL with a parent denial until the student meets exit criteria.
- It is recommended that the progress of the ELL with a parent denial on file be closely monitored.

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Trainer keep in mind:

- Even though a parent may deny language services, the student is limited English proficient and is coded in PEIMS as ELL with a parent denial. Reference can be made to the LPAC Flowchart.
- Parent denials participate in TELPAS.
- The student is coded as ELL until he/she meets state exit criteria.
- The LPAC annually reviews the student's progress.
- The LPAC should inform teachers which students are parent denials. Teachers should be provided TELPAS information and implement the ELPS in the classroom.

Parent Denials

- Monitor and facilitate the educational process, as you would for all students.
- Rate each students' listening, speaking and writing proficiency with TELPAS (beginning at grade K through grade 12).
- Administer the TELPAS Reading test beginning at grade 2, until the student is no longer identified as ELL through grade 12.

*Title III, Part A, Subpart 2.Sec.3121(a)(4); TAC §89.1220(k);
TEC §29.0561*

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The LPAC should continue to communicate with the student's parents providing updates on the student's progress.

The student takes all components of TELPAS from grades K-12 until he/she has met exit criteria and is no longer ELL. The rating of TELPAS Reading is done by the rater only in grades K-1. Student's in grades 2-12 take the TELPAS Reading test.

The students' teachers should also be informed of which students are ELL Parent Denials.

Teachers should use the ELPS with all ELLs (including parent denials) in all content areas. It is recommended to monitor students during each grading period to ensure progress in English language acquisition and academic development. If a student is not making progress, it would be appropriate to consult with the parent and to describe (again) the benefits of placement in the relevant program.

Parent Denials

- The LPAC must review the student's TELPAS and state assessment scores at the end of each year.
- Once a student meets exit criteria (19 TAC §89.1225), he/she is reclassified as Non-ELL in PEIMS.
- Students with parent denials are also monitored for two additional years.

*(Title III, Part A, Subpart 2.Sec.3121(a)(4); TAC §89.1220(k);
TEC §29.0561*

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19 TAC Chapter §89.1225

At the annual review, the LPAC must determine if students who are parent denials have met state exit criteria. If so, the student is reclassified in PEIMS as Non-ELL but a first-year monitored student (F). The student will be monitored for two years. Second-year monitored is (S).

Option: Refer to the exit criteria chart if questions arise.

Source: TEC §29.0561 Evaluation of Transferred Students; Reenrollment.

PEIMS Date

- The LPAC makes the determination during the meeting if the student will be ELL or non ELL.
- The date the school district has received all documentation is the date the student's PEIMS status can be coded as being eligible for ELL funding.

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19 TAC Chapter §89.1220

Note to Trainer: To be eligible for the state bilingual/ESL funding, the district must have all required documentation for each eligible student on file.

The LPAC makes the determination. The date the school district has received all documentation is the date the student's PEIMS status can be coded as being eligible for ELL funding. Funding is only generated for students who are coded ELL.

Explain to participants that once the LPAC has made its recommendation, the student begins receiving instruction, either in the bilingual program, ESL program, or general education classroom (parent denials).

During the second semester prior to state assessments, the LPAC will need to meet again to determine which assessment the ELL will take.

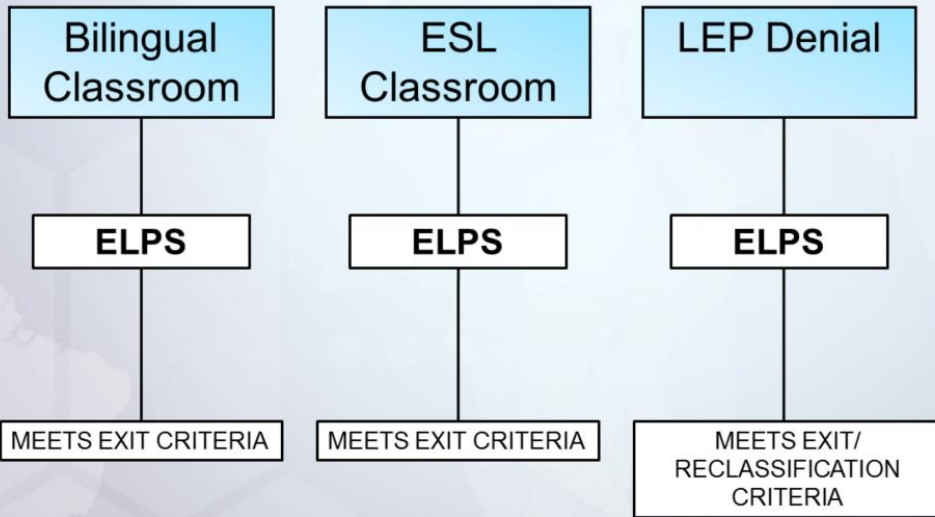
ELLs coded as parental denials must take the general state assessment. There are no accommodations for parental denials.

State academic criterion-referenced assessments must be taken in English only for parental denials.

Reminder: The ELPS should be an integral part of the curriculum provided for **all** ELLs, including parent denials.

<http://ritter.tea.state.tx.us/rules/tac/chapter074/ch074a.html#74.4>

State Assessments



LPAC Decisions about State Assessments

In the spring of the current school year, the LPAC will convene to determine the appropriate assessment option for ELLs before the administration of the state criterion-referenced test that year.

Refer to the LPAC Decision-Making Process for the Texas Assessment Program for complete information.

<http://tea.texas.gov/student.assessment/ell/lpac/>



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19 TAC Chapter §89.1220 (h)

Note to Trainer: Suggest LPAC Vignettes www.esc20.net/lpac – LPAC Middle-of-Year (MOY): State Assessment Decisions Making and Progress Monitoring of Linguistic Accommodations

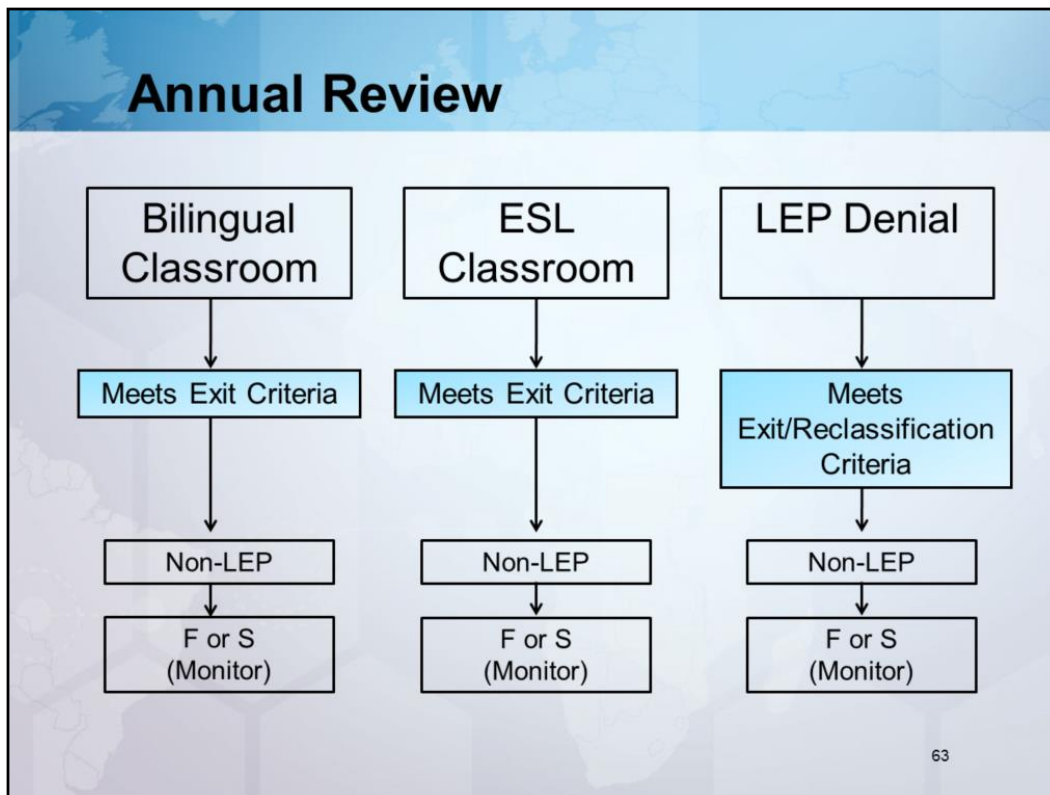
See the Language Proficiency Decision-Making Process for the Texas Assessment Program for more information. The accommodations should be **used routinely** in classroom instruction so the LPAC should inform teachers as soon as possible regarding the available linguistic accommodations.

Please remember that the LPAC needs to meet and address the assessment decisions for ELLs that are being considered for linguistic accommodations or taking the Spanish state assessment. Assessment decisions should be made individually.

Districts should not have a blanket policy for students that are identified as ELLs.

All ELLs with program denials must be tested with the English version of the required state assessments for that grade level.

These decisions need to be documented and kept on file (in student's record and in district for five years).



LPAC assessment decisions are for ALL students identified as ELL. Non-ELLs participate in a general education classroom.

Refer to the **Annual Review Exit/Reclassification** tab in the binder.

Once students have met exit criteria, they must be monitored for 2 years.

F -Student exited from ELL/LEP status – First Year Monitor (F) – student has met criteria for bilingual/ESL program exit, is no longer classified as LEP in PEIMS, and is in his/her first year of monitoring as required by 19 TAC §89.1220(l) and is not eligible for funding due to the fact that he/she is not ELL/LEP

S -Student exited from ELL/LEP status – Second Year Monitor (S)– student has met criteria for bilingual/ESL program exit, is no longer classified as LEP in PEIMS, and is in his/her second year of monitoring as required by 19 TAC §89.1220(l) and is not eligible for funding due to the fact that he/she is not ELL/LEP

Annual Review

At the end of the year, the LPAC reviews every child:

- identified in PEIMS as ELL, being served in a bilingual or ESL program
- identified in PEIMS as a ELL parental denial
- that has met criteria for bilingual/ESL program exit, is no longer classified as ELL in PEIMS, and is in his/her first (F) or second (S) year of monitoring



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19 TAC Chapter §89.1220 & §89.1225

Note to Trainer: Suggest LPAC Vignettes www.esc20.net/lpac – LPAC End-of-Year (EOY): Exiting English Language Learners (ELLs) & LPAC End-of-Year (EOY): Exiting English Language Learners (ELLs) Who Receive Special Education Services (Using the Process for Considering Special Exit Criteria)

The LPAC is responsible for reviewing every ELL's progress, including students being served, parent denials, students that are being monitored, and students who have met exit criteria.

F-Student exited from ELL/LEP status – First Year Monitor (F) student has met criteria for bilingual/ESL program exit, is no longer classified as LEP in PEIMS, and is in his/her first year of monitoring as required by 19 TAC §89.1220(l) and is not eligible for funding due to the fact that he/she is not ELL/LEP

S-Student exited from ELL/LEP status – Second Year Monitor (S) – student has met criteria for bilingual/ESL program exit, is no longer classified as LEP in PEIMS, and is in his/her second year of monitoring as required by 19 TAC §89.1220(l) and is not eligible for funding due to the fact that he/she is not ELL/LEP

Annual Review

The LPAC should review:

- Benchmarks
- Classroom Tests
- State Criterion-Referenced Test Data
- Norm-referenced English and Spanish (when applicable) Standardized Achievement Test Data
- Oral Language Proficiency Test Data
- TELPAS, TPRI, Tejas LEE, etc.
- Passing grades in all subjects and courses taken
- Any input that will give a well-rounded picture of the student's growth and progress

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Even if the student meets exit criteria, the LPAC should review all of the above, including the subjective teacher evaluation before making the decision to reclassify the student.

Emphasize that an intensive review of all data should provide a clear profile of the student's ability to successfully participate in a general education environment.

LPAC Decisions about End-of-Year (EOY)

LPACs shall conduct EOY LPAC meetings for all ELLs, including those who are possible candidates for exit from the bilingual or ESL program, even though results from the spring STAAR administration will not yet be available.

- For students being considered for exit, the LPAC will document that all the necessary criteria have been met **and** that they are awaiting the necessary STAAR results in order to make a final exit decision.
- The LPAC must have a follow-up process as soon as scores are received by the district.
- Once scores are received, a member of the LPAC will enter the scores into the documentation and complete the exiting process for eligible students without the need for another LPAC meeting.

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Note to Trainer: The guidance is regarding STAAR scores arriving by the end of year. It is important to note to districts that a process must be in place to ensure students who have met this criteria are properly exited and parental notification and approval of exit letters are sent and signed by parents. For more information the following is the link for the 2017-2018 school year testing calendar:
<http://tea.texas.gov/student.assessment/calendars/>

19 TAC §89.1240 (b)

(b) The school district shall notify the student's parent of the student's reclassification as English proficient and his or her exit from the bilingual education or English as a second language program and acquire approval as required under the Texas Education Code, §29.056(a). Students meeting exit requirements may continue in the bilingual education or English as a second language program with parental approval but are not eligible for inclusion in the school district bilingual education allotment.

§29.056. Enrollment of Students In Program.

(a) The agency shall establish standardized criteria for the identification, assessment, and classification of students of limited English proficiency eligible for entry into the program or exit from the program. The student's parent must approve a student's entry into the program, exit from the program, or placement in the program.

Parent approval may be in the form of a signed letter which is the most highly encouraged form of documentation, a phone call where there is communication with the parent, an email, etc. Documentation to show that the parent has approved the exiting of their child must be kept on file. The district can determine the process that best fits their needs, but the important factor is to have this documentation on file and that the parent has approved the exiting of their child.

Source: TEC §29.056. Enrollment of Students In Program.

LPAC Decisions about End-of-Year (EOY) cont.

- Please remember that this process applies to students who have met all other exit criteria and are awaiting pending STAAR Reading and/or STAAR Writing scores.
- **Students for whom the LPAC recommends the use of Dictionaries, Oral Administration, Language and Vocabulary Supports, or Extra Time as an accommodation for any reading or writing assessment, may not be considered for exit at the end of the school year.**
- Once the LPAC documents have been completed, the district can then follow up with letters of exit approval to parents whose students met exit criteria.
- Please be sure that an LPAC representative that will be in the district or on the campus knows about this process so that it can be completed.
- **The following link is for the 2017-2018 school year testing calendar:** <http://tea.texas.gov/student.assessment/calendars/>

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Note to Trainer: The guidance is regarding STAAR scores arriving by the end of year. It is important to note to districts that a process must be in place to ensure students who have met this criteria are properly exited and parental notification and approval of exit letters are sent and signed by parents. For more information, the following is the link for the 2017-2018 school year testing calendar: <http://tea.texas.gov/student.assessment/calendars/>

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§29.056. Enrollment of Students In Program.

(a) The agency shall establish standardized criteria for the identification, assessment, and classification of students of limited English proficiency eligible for entry into the program or exit from the program. The student's parent must approve a student's entry into the program, exit from the program, or placement in the program.

While some accommodations, or designated supports, may be appropriate for instructional use, they may not be appropriate or allowable on a statewide assessment. Providing unfamiliar or inappropriate accommodations during statewide assessments may hinder rather than help a student. LPACs are responsible for coordinating with the content area teachers of ELLs to make accommodation, or designated support decisions in accordance with the eligibility criteria specified for each support.

Dictionaries (this applies only to grades 3-5 since the use of dictionaries as a designated support is considered an accommodation for these grades only).

LPACs should also be very familiar with the updated STAAR dictionary policy for all students, which is available on TEA's STAAR Reading Resources webpage at <http://tea.texas.gov/student.assessment/staar/reading/>

Parent approval may be in the form of a signed letter which is the most highly encouraged form of documentation, a phone call where there is communication with the parent, an email, etc. Documentation to show that the parent has approved the exiting of their child must be kept on file. The district can determine the process that best fits their needs, but the important factor is to have this documentation on file and that the parent has approved the exiting of their child.

Source: TEC §29.056. Enrollment of Students In Program.

Reclassification (Exiting) of ELLs

A student may only be considered for reclassification, as Non-ELL, at the end of the school year based on the following criteria:

- proficiency in oral English language;
- at or above the 40th percentile in both the reading and language arts sections of the TEA-approved norm-referenced measure; and
- consideration of a subjective teacher evaluation.

See *Exit Criteria Chart for grade-specific requirements.* 19 TAC §89.1225 (h-j)

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Participants that reviewed 19 TAC §89.1225 (h-j) should report to the group.

Even students with disabilities can ONLY be exited at the EOY, not at the time of the annual ARD.

Emphasize that oral language testing must be conducted at the end of the year prior to the EOY LPAC meeting.

The LPAC should also consider the passing rate applicable to the specific grade requirement for reading proficiency.

For students that minimally met standard, the LPAC should consider the number of testing attempts before passing. The LPAC may determine that the student should continue receiving language services based on the data, passing grades in all subjects, and courses taken and a subjective teacher evaluation.

The exit criteria under TAC §89.1225(h) apply to the vast majority of ELLs who receive special education services. In rare cases, an ELL receiving special education services may qualify to be exited using criteria permitted under TAC §89.1225(k), which give special consideration to an ELL for whom assessments and/or standards under TAC §89.1225(h) are not appropriate because of the nature of a student's particular disabling condition.

REVIEW CURRENT ENGLISH PROFICIENCY EXIT CRITERIA CHART

Reclassification of ELLs

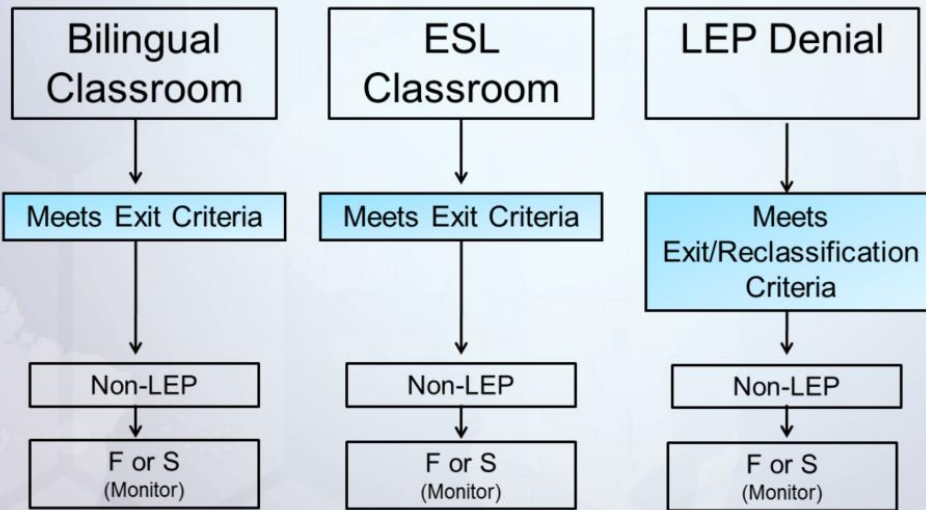
- Students in pre-kindergarten and kindergarten **may not be exited** from a bilingual education or ESL program.
- An annual review is still conducted by the LPAC for all students identified as ELL in order to assess and document progress.

19 TAC §89.1225 (i)

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Emphasize that students may not be exited until the end of first grade and even then, the LPAC should be cautious of making that determination.

Parental Notification/Approval



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Non-ELLs participate in a general education classroom.

Parental Notification/Approval

- Once the LPAC reclassifies a student as Non-ELL, **parents must be notified** that the student has met state criteria for exit and will be monitored for two years.
- Parent **approval** of the student's exit must be present in the student's record.
- Sample letters are found under **Suggested Forms**.

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19 TAC §89.1240 (b)

§29.056. Enrollment of Students In Program.

(a) The agency shall establish standardized criteria for the identification, assessment, and classification of students of limited English proficiency eligible for entry into the program or exit from the program. The student's parent must approve a student's entry into the program, exit from the program, or placement in the program.

Parent approval may be in the form of a signed letter which is the most highly encouraged form of documentation, a phone call where there is communication with the parent, an email, etc. Documentation to show that the parent has approved the exiting of their child must be kept on file. The district can determine the process that best fits their needs but the important factor is to have this documentation on file and that the parent has approved the exiting of their child.

Source: TEC §29.056. Enrollment of Students In Program.

Reclassifying ELLs with Disabilities

- The ARD committee, in conjunction with the LPAC, shall determine an appropriate assessment instrument and performance standard requirement for exit.
- The decision to exit a student is determined by the key members of the ARD in conjunction with the key members of LPAC.

<http://tea.texas.gov/index2.aspx?id=4098>

19 TAC §89.1225 (k)
§89.1230

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Note to trainer: Trainer should review 19 TAC §89.1230 and §89.1225(k) related to testing and the flowchart of decisions for SPED students.

At or near the beginning of the school year, a meeting is to be scheduled between key admission, review, and dismissal (ARD) committee and language proficiency assessment committee (LPAC) members to discuss whether the student qualifies to exit using criteria under §TAC 89.1225(k).

- Through this process, a determination is made about the assessments and/or English language proficiency assessment standards to be used in the exiting process.
- This process applies **ONLY** when one or more assessments and/or English language proficiency assessment standards under TAC §89.1225(h) are not appropriate for the student in a particular language domain for reasons directly associated with the student's disability. In following this process, refer also to the document titled *Guidance Related to ARD Committee and LPAC Collaboration* found at <http://www.tea.state.tx.us/index2.aspx?id=2147496923>.
- This process is to be used to address the needs of an individual student, not groups of students. Very few students qualify to exit using the TAC §89.1225(k) criteria.
- This process must be conducted by key admission, review, and dismissal (ARD) committee members (including a diagnostician when applicable) and key language proficiency assessment committee (LPAC) members who are familiar with the student's current progress and needs, including one or more teachers with in-depth knowledge of the student's second language acquisition and academic achievement.

State-established standards must be used for all state assessments.

At the meeting, the participants discuss the second language acquisition of the student within the context of the individual student's disability to consider whether the TAC §89.1225(k) exit criteria are warranted.

- Consideration must be IEP-based and must include documented evidence that, because of the nature of the student's disability, the student is not expected to be able to attain English language proficiency in one or more domains and no longer appears to benefit from second language acquisition support in English to address second language acquisition cognitive, linguistic, and affective needs (or is expected to reach that point during the school year).
- Evidence must include both historical formal and informal assessment data and direct teacher input. Ongoing informal assessment data may come from checklists, inventories, and other formative evaluations designed to identify the levels of academic functioning and English language proficiency of the student. The input of a diagnostician may be requested, as necessary, to help determine whether the TAC §89.1225(k) exit criteria are warranted. Direct teacher input should provide further insight into the student's classroom performance and needs, and should include, if applicable, documentation of response to intervention, anecdotal notes, and other evidence drawn from sources such as classroom-based observations and classroom activities.

If, after reviewing the evidence, the meeting participants conclude that the student no longer benefits from second language acquisition support in English (or is expected to reach that point during the school year), the participants review the assessment information in the IEP and make exit criteria recommendations based on the information in the Process for Consideration Special Exit Criteria from bilingual/ESL.

As a reminder, modification of performance standards on academic content assessments not permitted.

Evaluation of Reclassified Students

The LPAC shall reevaluate a student who is transferred out of a bilingual education or special language program under Section 29.056(g) if the student earns a failing grade in a subject in the foundation curriculum under Section 29.002(a) during any grading period in the first two school years after the student is transferred to determine whether the student should be reenrolled in a bilingual education or special language program.

TEC §29.0561(a)

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If a student who is in the first or second year of monitoring fails a core content subject, the LPAC is required to meet and review the criteria on the following slides.

Source: TEC §29.0561 Evaluation of Transferred Students; Reenrollment.

Reclassified Students

During the first two school years after a student is transferred out of a bilingual education or special language program under Section 29.0561 (b), the LPAC shall review the student's performance and consider:

- (1) The total amount of time the student was enrolled in a bilingual education or special language program;
- (2) The student's grades each grading period in each subject in the foundation curriculum under Section 29.002 (a) (1);

TEC §29.0561(b)

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Note to trainer: This criteria must be reviewed if a student that is in the first two years of being monitored fails a core content subject at during any grading period. Evidence must be documented.

Source: TEC §29.0561 Evaluation of Transferred Students; Reenrollment.

Reclassified Students

- (3) The student's performance on each assessment instrument administered under Section 39.023 (a) or (c);
- (4) The number of credits the student has earned toward high school graduation, if applicable; and
- (5) Any disciplinary actions taken against the student under Subchapter A, Chapter 37.

TEC §29.0561(b)

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Evidence must be documented.

Reclassified Students

After an evaluation under this section, the LPAC may require intensive instruction for the student or reenroll the student in a bilingual education or special language program.

TEC §29.0561(c)

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If the LPAC determines that the student needs intensive instruction, a plan should be established, not just “tutorials.” Student progress should be monitored closely.

If the student is going to be re-enrolled in bilingual education or a special language program, parental approval is required and the student will be identified in PEIMS as ELL and the district will receive funding.

Communication between the bilingual/ESL teacher and the general education teacher during the year is important in case an LPAC meeting is needed to discuss the student’s reclassification or to discuss any other needed interventions.

Districts receiving Title III, Part A funding also need to follow any parental notification requirements as specified in the federal law when placing and exiting students.

Required Summer School Programs

- 19 TAC §89.1250 Required Summer School Programs
- TEA Correspondence/Summer School Program for ELLs who will be eligible for admission to kindergarten and grade 1
- A sample of Summer Program Parent Survey is included in the LPAC Manual under the Forms section.

19 TAC §89.1250 77

Have participants that reviewed 19 TAC §89.1250 report to the group.

89.1250(4)(a)(iii)

- Any school district required to offer the program under paragraph (2)(a) of this subsection that has less than ten students district-wide desiring to participate is not required to operate the program. However, those school districts must demonstrate that they have aggressively attempted to encourage student participation.
- Summer school is for participating students who are going into kindergarten and first grade.
- Records must be kept regarding attendance and progress.
- Have participants refer to 19 TAC Chapter §89.1250. Summer school is for students that are ELLs and participating in the language program (in order to receive funding).
- The parent must accept bilingual/ESL services in order for a student to participate in the required bilingual/ESL summer program.
- The student must not participate in the summer school required program or earn bilingual/ESL eligible days present in the summer program unless the parents explicitly allow, in writing, placement of the student in the bilingual or ESL education program.

Source: The provisions of this §89.1250 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective April 18, 2002, 27 TexReg 3107; amended to be effective February 17, 2005, 30 TexReg 709; amended to be effective September 17, 2007, 32 TexReg 6311; amended to be effective May 28, 2012, 37 TexReg 3822.

Program Evaluation

All school districts/campuses required to conduct a bilingual education or ESL program shall:

- Conduct periodic assessments in the languages of instruction to determine program impact and student outcomes in all subject areas.
- Annually report (and retain the report) the academic progress in either language of the ELL, the extent to which they are becoming proficient in English, the number of students who have been exited from the bilingual education and ESL programs, and the number of teachers and aides trained and the frequency, scope, and results of the training (TEC §7.028).

19 TAC §89.1265

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Participants that reviewed 19 TAC §89.1265 report to the group.

Districts are required to annually provide a report to the school board on the above criteria. It is important to reiterate that the ultimate responsibility for the program monitoring and compliance of the district program resides with the school board.

Districts that implement a dual language program model must also follow §89.1267. Standards for Evaluation of Dual Language Immersion Program Models

Source: The provisions of this §89.1265 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective April 18, 2002, 27 TexReg 3107; amended to be effective May 28, 2012, 37 TexReg 3822.

Program Evaluation

- Report to parents the progress of their child as a result of participation in the program offered to ELLs in English and the home language at least annually.
- Develop, review, and revise the campus improvement plan described in the Texas Education Code §11.253, for the purpose of improving student performance for ELLs.

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19 TAC §89.1265

Note to trainer: Progress reporting to parents must be provided to parents in English and in the student's home language. The progress reporting will display how the student is performing in the program in which they have been participating.

Program Evaluation

- §89.1267. Standards for Evaluation of Dual Language Immersion Program Models.
- (a) A school district implementing a dual language immersion program must conduct **annual formative and summative evaluations** collecting a full range of data to determine program impact on student academic success.

19 TAC §89.1267

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Districts that implement a dual language program model must also follow §89.1267. Standards for Evaluation of Dual Language Immersion Program Models

Program Evaluation

- (b) The success of a dual language immersion program is evident by students in the program demonstrating high levels of language proficiency in English and the other language and mastery of the Texas essential knowledge and skills for the foundation and enrichment areas. Indicators of success may include scores on statewide student assessments in English, statewide student assessments in Spanish (if appropriate), norm-referenced standardized achievement tests in both languages, and/or language proficiency tests in both languages.

Content Objectives

- Identify critical points of 19 Texas Administrative Code (TAC) Chapter 89.
- Summarize a single section of 19 TAC Chapter 89.
- Create a representation of the understanding of a section of 19 TAC Chapter 89.
- Present the representation to the entire group.

Language Objectives

- Engage in discussion about 19 TAC Chapter 89 using key vocabulary related to the LPAC framework.
- Read one section of 19 TAC Chapter 89 to identify critical information to share with the entire group.
- Collaborate with a group to create a visual representation of their section of 19 TAC Chapter 89.

For More Information

Contact your local Education Service Center.

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At this point in the training, take time to go through the section of the binder that has the forms. Explain each form.

Review the content and language objectives for the day to make sure they were covered.

Get feedback with some type of evaluation form